

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**JESSIE L. DUNMON,**

**Petitioner,**

**v.**

**HENRY COUNTY JAIL and  
SUPERIOR COURT,**

**Respondents.**

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**1:18-cv-933-WSD**

**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Linda T. Walker’s Final Report and Recommendation [7] (“Final R&R”) recommending dismissing the action without prejudice.

On March 1, 2018, Jessie L. Dunmon (“Petitioner”) sent the Court a letter complaining about his pending criminal case in the Superior Court of Henry County. ([1]). Petitioner alleged in his habeas petition that he was unlawfully confined because he had been denied bond, had not been charged or indicted, and had not had any other court proceedings. ([3] at 4-5). As a result, the Court sent Petitioner an Application to Proceed *In Forma Pauperis* [2] (“IFP Application”), which Petitioner then submitted. ([3], [4]). Petitioner’s IFP Application showed

that he was not indigent, and, on March 29, 2018, the Court denied him leave to proceed *in forma pauperis*. ([5] (“March 29th Order”)). The Court, in the same March 29th Order, directed Petitioner to submit the \$5 filing fee. On April 4, 2018, Petitioner notified the Court that he was attempting to have the filing fee deducted from his inmate financial account. ([6]). On May 15, 2018, the Magistrate Judge issued her Final R&R recommending the action be dismissed without prejudice. No party filed objections to the Final R&R.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). Where, as here, no parties filed objections to the Final R&R, the Court reviews it for plain error. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied, 464 U.S. 1050 (1984).

The Magistrate Judge first found Petitioner in violation of a lawful court order because he failed to submit his \$5 filing fee. ([7] at 2); see also Fed. R. Civ. P. 41(b); LR 41.3A(2), NDGa. The Magistrate Judge next found Petitioner’s request for habeas relief now moot since he is no longer detained


without bond, charges, or court proceedings<sup>1</sup>. (Id. at 2-3). The Magistrate Judge noted that the “Court can no longer provide the relief Petitioner sought in his habeas petition because he is no longer a pretrial detainee and is now confined pursuant to a judgment of conviction.” (Id.). The Court finds no plain error in the Magistrate Judge’s findings or recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that Magistrate Judge Linda T. Walker’s Final Report and Recommendation [7] is **ADOPTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED** this 20th day of June, 2018.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Superior Court of Henry County indicates that, on April 30, 2018, Petitioner pled guilty to a number of crimes and was sentenced to imprisonment. See Henry Cty. Court Docket Search, <https://hcwebb.boca.co.henry.ga.us/SuperiorCMWebSearch/> (case number SUCR2017000300).